

House Bill 1356

By: Representative Jacobs of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the  
2 local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide  
3 that in each county or municipality in which package sales of malt beverages and wine by  
4 retailers is lawful, the governing authority of the county or municipality, as appropriate, may  
5 authorize package sales by a retailer of malt beverages and wine on Sundays, if approved by  
6 referendum; to provide that in each county or municipality in which package sales of malt  
7 beverages, wine, and distilled spirits by retailers are all lawful, the governing authority of the  
8 county or municipality, as appropriate, may authorize package sales by a retailer of malt  
9 beverages, wine, and distilled spirits on Sundays, if approved by referendum; to provide  
10 procedures; to provide for applicability; to provide for related matters; to repeal conflicting  
11 laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local  
15 authorization and regulation of sales of alcoholic beverages on Sunday, is amended by  
16 adding new subsections to read as follows:

17 "(p)(1) Notwithstanding any other provision of law, in each county or municipality in  
18 which package sales of malt beverages and wine by retailers are lawful, the governing  
19 authority of the county or municipality, as appropriate, may authorize package sales by  
20 retailers of malt beverages and wine on Sundays, if such Sunday sales of both malt  
21 beverages and wine are approved by referendum as provided in paragraph (2) of this  
22 subsection.

23 (2) Any governing authority desiring to permit and regulate package sales by retailers  
24 of both malt beverages and wine on Sunday, pursuant to paragraph (1) of this subsection,  
25 shall so provide by proper resolution or ordinance. Upon receipt of the resolution or  
26 ordinance, the election superintendent shall issue the call for an election for the purpose

1 of submitting the question of Sunday package sales by retailers of both malt beverages  
2 and wine to the electors of that county or municipality for approval or rejection. The  
3 election superintendent shall issue the call and shall conduct the election on a date and  
4 in the manner authorized under Code Section 21-2-540. The election superintendent shall  
5 cause the date and purpose of the election to be published once a week for two weeks  
6 immediately preceding the date of the election in the official organ of the county. The  
7 ballot shall have written or printed thereon the words:

8 '( ) YES Shall the governing authority of (name of county or municipality) be  
9 authorized to permit and regulate package sales by retailers of both malt  
10 ( ) NO beverages and wine on Sundays?'

11 All persons desiring to vote for approval of package sales by retailers of malt beverages  
12 and wine on Sundays shall vote 'Yes,' and all persons desiring to vote for rejection of  
13 package sales by retailers of malt beverages and wine on Sundays shall vote 'No.' If more  
14 than one-half of the votes cast on the question are for approval of Sunday package sales  
15 by retailers of malt beverages and wine on Sundays, the resolution or ordinance  
16 approving such Sunday package sales by retailers of malt beverages and wine shall  
17 become effective upon the date so specified in that resolution or ordinance. The expense  
18 of the election shall be borne by the county or municipality in which the election is held.  
19 The election superintendent shall canvass the returns, declare the result of the election,  
20 and certify the result to the Secretary of State.

21 (3) Whenever package sales of malt beverages and wine on Sundays are authorized by  
22 a county or municipality pursuant to this subsection, Sunday package sales by retailers  
23 of malt beverages and wine may be made only by licensed retailers, licensed to sell by  
24 the package.

25 (4) The provisions of this subsection are in addition to or cumulative of and not in lieu  
26 of any other provisions of this title relative to the sale of malt beverages and wine by  
27 retailers.

28 (q)(1) Notwithstanding other laws, in each county or municipality in which package  
29 sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the  
30 governing authority of the county or municipality, as appropriate, may authorize package  
31 sales by retailers of malt beverages, wine, and distilled spirits on Sundays, if such Sunday  
32 sales of malt beverages, wine, and distilled spirits are approved by referendum as  
33 provided in paragraph (2) of this subsection.

34 (2) Any governing authority desiring to permit and regulate package sales by retailers  
35 of malt beverages, wine, and distilled spirits on Sunday, pursuant to paragraph (1) of this  
36 subsection, shall so provide by proper resolution or ordinance. Upon receipt of the  
37 resolution or ordinance, the election superintendent shall issue the call for an election for

the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'( ) YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt ( ) NO beverages, wine, and distilled spirits on Sundays?'

All persons desiring to vote for approval of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays, the resolution or ordinance approving such Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall become effective upon the date so specified in that resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays are authorized by a county or municipality pursuant to this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled spirits may be made only by licensed retailers, licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.